



TO: Interested Parties
FROM: Rhode Island Executive Office of Health and Human Services (EOHHS)
DATE: August 26, 2020
SUBJECT: Public Notice of Proposed Rulemaking

These regulations are being promulgated pursuant to the authority contained in R.I. Gen. Laws Chapter 40-8 (Medical Assistance); R.I. Gen. Laws Chapter 40-6 (“Public Assistance”); R.I. Gen. Laws Chapter 42-7.2; R.I. Gen. Laws Chapter 42-35; and Title XIX of the Social Security Act.

210-RICR-40-05-1 Community Medicaid

The Secretary of the Rhode Island Executive Office of Health and Human Services (EOHHS) has under consideration an amendment to the Medicaid regulations entitled, 210-RICR-40-05-1 Community Medicaid.

The purpose of this amendment is to update the process for applying for a Preventive Level of Long-Term Services and Supports (LTSS). To qualify for preventive LTSS, applicants will no longer be required to submit documentation through the Office of Medical Review. A beneficiary’s physician will need to submit documentation that one or more LTSS preventive services will improve or maintain the ability of a beneficiary to perform Activities of Daily Living (ADLs) or Instrumental Activities of Daily Living (IADLs) and/or delay or mitigate the need for intensive home and community-based or institutionally based care.

This amendment is also intended to codify the postponement of renewals for Medicaid eligibility during the COVID-19 Public Health Emergency. It is EOHHS’ intent to resume Medicaid eligibility renewals after the COVID-19 Public Health Emergency has ended.

These proposed rules are accessible on the R.I. Secretary of State’s website: <http://www.sos.ri.gov/ProposedRules/>, the EOHHS website: www.eohhs.ri.gov, or available in hard copy upon request (401 462-1501 or RI Relay, dial 711). Interested persons should submit data, views, or written comments by **September 25, 2020** to Gretchen Bell, RI Executive Office of Health & Human Services, Virks Building, 3 West Rd, Cranston, RI 02920 or gretchen.bell@ohhs.ri.gov.

In accordance with R.I. Gen. Laws 42-35-2.8(c), an opportunity for a hearing will be granted if a request is received by twenty-five (25) persons, or by a governmental agency, or by an association having not less than twenty-five (25) members, within ten (10) days of this notice that is posted in accordance with R.I. Gen. Laws 42-35-2.8(a). A hearing must be open to the public, recorded, and held at least five (5) days before the end of the public comment period.

The Executive Office of Health and Human Services does not discriminate against individuals based on race, color, national origin, sex, gender identity or expression, sexual orientation, religious belief, political belief or handicap in acceptance for or provision of services or employment in its programs or activities.